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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92045537
Party	Defendant Tandem Health Care, Inc. TANDEM HEALTH CARE, INC. 800 CONCOURSE PKWY S. STE. 200 MAITLAND, FL 32751
Correspondence Address	TANDEM HEALTH CARE, INC. 800 CONCOURSE PKWY S., SUITE 200 MAITLAND, FL 32751
Submission	Motion to Suspend for Civil Action
Filer's Name	Lynn J. Alstadt
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Date	04/05/2006
Attachments	Tandem Motion_to_Stay.pdf ( 3 pages )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

TANDEM MANAGEMENT CO., LLC.	:	Cancellation No. 92045537
	:	
Petitioner,	:	In re Registration No. 2,250,226
	:	Registered June 1, 1999
vs.	:	Mark: TANDEM HEALTH CARE
	:	
TANDEM HEALTH CARE INC.	:	In re Registration No. 2,526,933
	:	Registered January 8, 2002
Registrant.	:	Mark: TANDEM and DESIGN

MOTION TO STAY

Registrant, TANDEM HEALTH CARE, INC., moves to stay the cancellation proceeding because of the pendency of Civil Action No. 05-3960 in the United States District Court for Northern District of New Jersey, *Tandem Health Care, Inc. v. Tandem Management Co., LLC*. That proceeding involved a claim of trademark infringement by Registrant against the Petitioner. Petitioner filed a counterclaim seeking cancellation of the registrations at issue here, namely United States Trademark Registration Nos. 2,250,226 and 2,526,933. Indeed, paragraph 21 of the Petition for Cancellation states this fact. Since any determination of the cancellation action

in the District Court will be binding on the United States Patent and Trademark Office, the Office should stay these proceedings pending the outcome of the District Court litigation.

Respectfully submitted,

TANDEM HEALTH CARE, INC

/s/ Lynn J. Alstadt

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Date: April 5, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that on this 5th day of April, 2006, a true and correct copy of the foregoing MOTION TO STAY was served on the attorneys for Petitioner by first class mail, postage prepaid, addressed as follows:

Susan Okin Goldsmith, Esq.  
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/s/ Lynn J. Alstadt  
Lynn J. Alstadt